

DEPARTMENT OF PLANNING
STAFF REPORT

PLANNING COMMISSION PUBLIC HEARING

DATE OF HEARING: November 19, 2007

ZMOD-2005-0008

Dulles Trade Center II, Lots 20 & 21 and Dulles Trade Center IV, Lot 4

DECISION DEADLINE: extended to December 29, 2007

ELECTION DISTRICT: Dulles

PROJECT PLANNER: Judi Birkitt

EXECUTIVE SUMMARY

Ahmed Maghrabi, of Falls Church, Virginia, Patriot Development Corporation of Centreville, Virginia, and United Rentals (North America), Inc. of Greenwich, Connecticut (the "Applicants") have submitted an application for a special exception to modify zoning regulations applicable to the approved concept development plan for property being developed pursuant to ZMAP 1986-0012, Broad Run Industrial Park in the PD-GI (Planned Development-General Industry) zoning district. The property is also located within the AI (Airport Impact) Overlay District, outside of but within one (1) mile of the Ldn 60 aircraft noise contour, and partially within the FOD (Floodplain Overlay District). This application is subject to the Revised 1993 Zoning Ordinance, and the modification of zoning regulations applicable to the approved concept development plan is authorized by special exception under Section 6-1511(B)(4). The Applicants are requesting modifications to Section 4-605(B)(2) Yards (1) to reduce the minimum yard adjacent to an existing or zoned residential district for buildings, outdoor storage, areas for collection of refuse, and loading areas from 100 feet to 50 feet, and (2) to reduce the minimum yard adjacent to an existing or zoned residential district for parking from 50 feet to 25 feet. The subject property consists of three parcels containing approximately 20.97 acres located west of Old Ox Road (Route 606), adjacent to the Loudoun Valley Estates III subdivision, one parcel lying on the northeast side of Overland Drive, at 23535 Overland Drive, and two unaddressed parcels lying at the northern terminus of Pebble Run Drive, in Sterling, Virginia.

RECOMMENDATION

Staff recommends that the Planning Commission forward this application to the Board of Supervisors with a recommendation of approval based on the findings and subject to the conditions of approval included in this report.

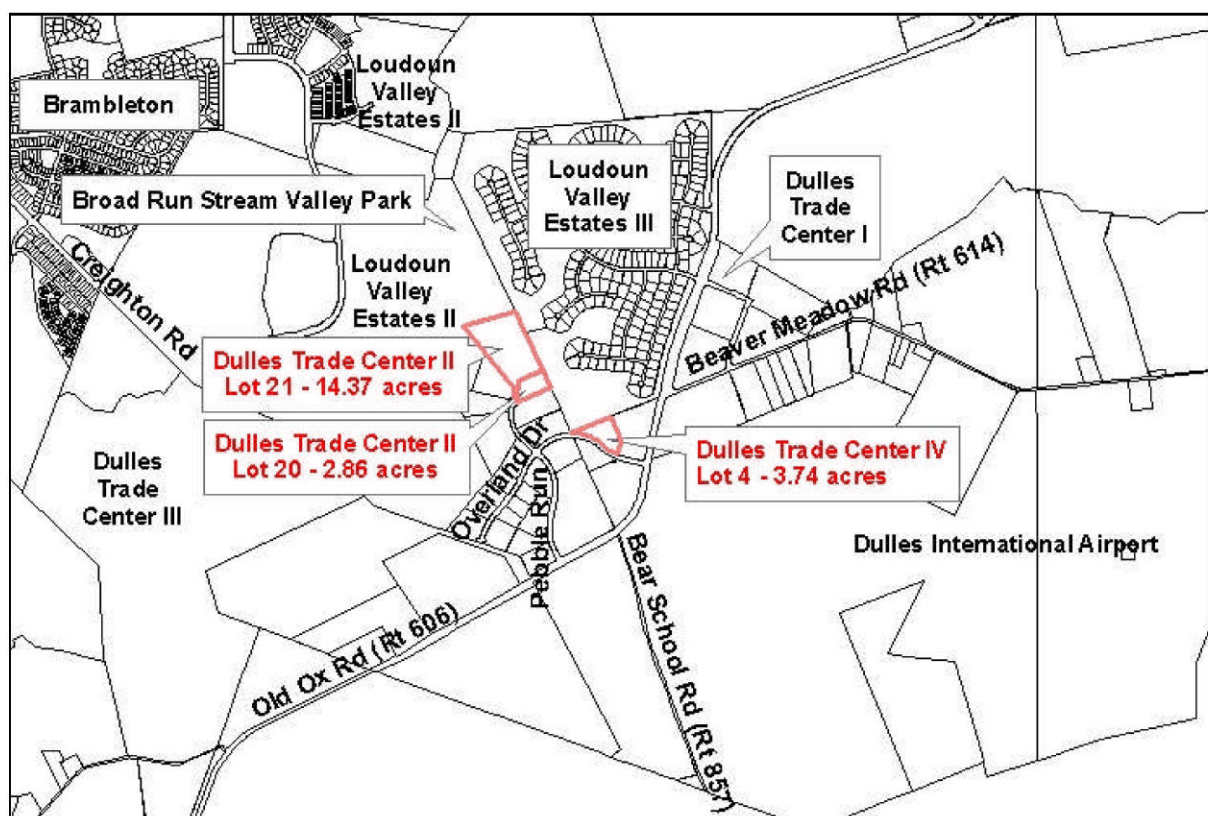
SUGGESTED MOTIONS

1. I move that the Planning Commission forward ZMOD-2005-0008, Dulles Trade Center II and IV, with the conditions of approval and the findings contained in this Staff Report, to the Board of Supervisors with a recommendation of approval.

Or,

2. I move an alternate motion.

VICINITY MAP



Directions: From Leesburg, travel south on the Greenway. Turn right onto Route 606 (Old Ox Road) and proceed for approximately four miles. After passing Route 614 (Beaver Meadow Road) turn right onto Overland Drive. One site is on the right side of Overland Drive. Continue north on Overland Drive and turn right onto Pebble Run Drive. The remaining two sites lie at the end of the Pebble Run Drive cul-de-sac.

TABLE OF CONTENTS

I.	Application Information.....	4
II.	Referral Agency Comment Summary.....	5
III.	Findings	5
IV.	Conditions of Approval	5
V.	Project Review	6
A.	Context.....	6
B.	Summary of Outstanding Issues	9
C.	Overall Analysis	9
D.	Zoning Ordinance Modifications	11
E.	Zoning Ordinance Criteria for Approval.....	12
VI.	Attachments	13



Facing northeast towards Dulles Trade Center IV, Lot 4 from Overland Drive



Facing north towards Dulles Trade Center II, Lots 20 & 21 from Pebble Run Drive

I. APPLICATION INFORMATION

APPLICANTS/ PROPERTY OWNERS

Dulles Trade Center IV, Lot 4: United Rentals, Inc. (Joli Lyn Gross, Esq.)
5 Greenwich Office Park
Greenwich, CT 06831
(203) 618-7342

Dulles Trade Center II, Lot 20: Ahmed Maghrabi
5505 Seminary Road, #1601
Falls Church, VA 22041
(703) 615-2323

Dulles Trade Center II, Lot 21: Patriot Development Corporation (Don Gillis)
P.O. Box 230686
Centreville, VA 20120
(703) 437-0215

REPRESENTATIVE Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.
Michael Romeo
1 East Market Street, 3rd Floor
Leesburg, VA 20179
(703) 737-3633

APPLICANT'S REQUEST Zoning modifications to Section 4-605(B)(2) (1) to reduce the minimum yard adjacent to an existing or zoned residential district for buildings, outdoor storage, areas for collection of refuse, and loading areas from 100 feet to 50 feet, and (2) to reduce the minimum yard adjacent to an existing or zoned residential district for parking from 50 feet to 25 feet.

LOCATION West of Dulles International Airport and Old Ox Road (Route 606), on the northeast side of Overland Drive and the northern terminus of Pebble Run Drive, Sterling, VA.

TAX MAP/PARCEL #	93((15))CM Parcel 4	123-19-9978
	92((7)) Parcel 20	123-19-0969
	92((7)) Parcel 21	123-28-7817

ZONING PD-GI (Planned Development – General Industry)

ACREAGE OF SITE 20.9 Acres

SURROUNDING ZONING/ LAND USES

	ZONING	PRESENT LAND USES
North	PD-H4 & PD-GI	Open Space & Residential
South	PD-GI & PDCCCC	Industrial & Commercial
East	PD-GI & PDCCCC	Open Space, Residential & Commercial
West	PD-H4 & PD-GI	Open Space & Industrial

II. SUMMARY OF DISCUSSION

REFERRAL AGENCY	ISSUES EXAMINED AND STATUS
Zoning Administration	<ul style="list-style-type: none">• Provide evidence (photographs and deeds of open space easements) that adjacent open space areas are wooded and perpetual. – Resolved.
Community Planning	<ul style="list-style-type: none">• Provide evergreen perimeter buffer along property lines that abut Loudoun Valley Estates to supplement existing deciduous trees. – Resolved.

III. FINDINGS

1. Subject to the proposed modification requests and conditions of approval, the application conforms to the applicable provisions of the 1993 Revised Zoning Ordinance.
2. The proposal conforms to the policies of Revised General Plan to provide an adequate degree of protection, separation, and buffering to mitigate impacts associated with industrial uses on other surrounding land uses, subject to the conditions of approval and the installation and maintenance of the proposed landscape buffer.
3. The subject parcels are separated from existing residential uses by a minimum of three hundred (300) feet of perpetual, eased or dedicated open space that consists of mature tree cover and flood plain.
4. The Applicant's proposal to supplement the existing natural landscape buffer with evergreens, considering Ordinance §5-1409(E) allows for administrative waivers of buffer requirements for parcels adjacent to natural areas of at least 300 feet, exceeds the public purpose of the Ordinance requirement to provide a buffer between industrial and residential uses.
5. The application conforms to Revised General Plan policies that encourage accommodating the continued operation and expansion of industrial uses in the County.

IV. CONDITIONS OF APPROVAL

1. The proposed modifications shall be developed in substantial conformance with the Zoning Modification Plat prepared by Post, Buckley, Schuh & Jernigan, Inc., dated May 2005 and revised through September 2007 and the Loudoun County Zoning Ordinance. Approval of this application does not relieve the Applicant of any Zoning Ordinance, Codified Ordinance, or any other regulatory requirement except as modified.

2. Zoning Ordinance Modifications shall be in accordance with the requested zoning ordinance modifications of Section 4-605(B)(2) of the Revised 1993 Zoning Ordinance as listed below:
 - a. No building, outdoor storage, areas for collection of refuse, or loading area shall be permitted closer than fifty (50) feet of any existing or zoned residential district, or land bay allowing residential uses, and
 - b. No parking areas shall be permitted closer than twenty-five (25) feet of any existing or zoned residential district, or land bay allowing residential uses.
3. The modifications of Section 4-605(B)(2) shall apply to the north and east property lines of Dulles Trade Center II, Lot 21; the east property line of Dulles Trade Center II, Lot 20; and the north property line of Dulles Trade Center IV, Lot 4 as shown on sheet 2 of the Zoning Modification Plat prepared by Post, Buckley, Schuh & Jernigan, Inc., dated May 2005 and revised through September 2007.
4. The Applicant-provided perimeter buffer shall consist of a minimum of six (6) evergreen trees planted and staggered per one hundred (100) linear feet and shall be located along the north and east property lines of Dulles Trade Center II, Lot 21; the east property line of Dulles Trade Center II, Lot 20; and the north property line of Dulles Trade Center IV, Lot 4 as shown on sheet 2 of the Zoning Modification Plat prepared by Post, Buckley, Schuh & Jernigan, Inc., dated May 2005 and revised through September 2007.

V. PROJECT REVIEW

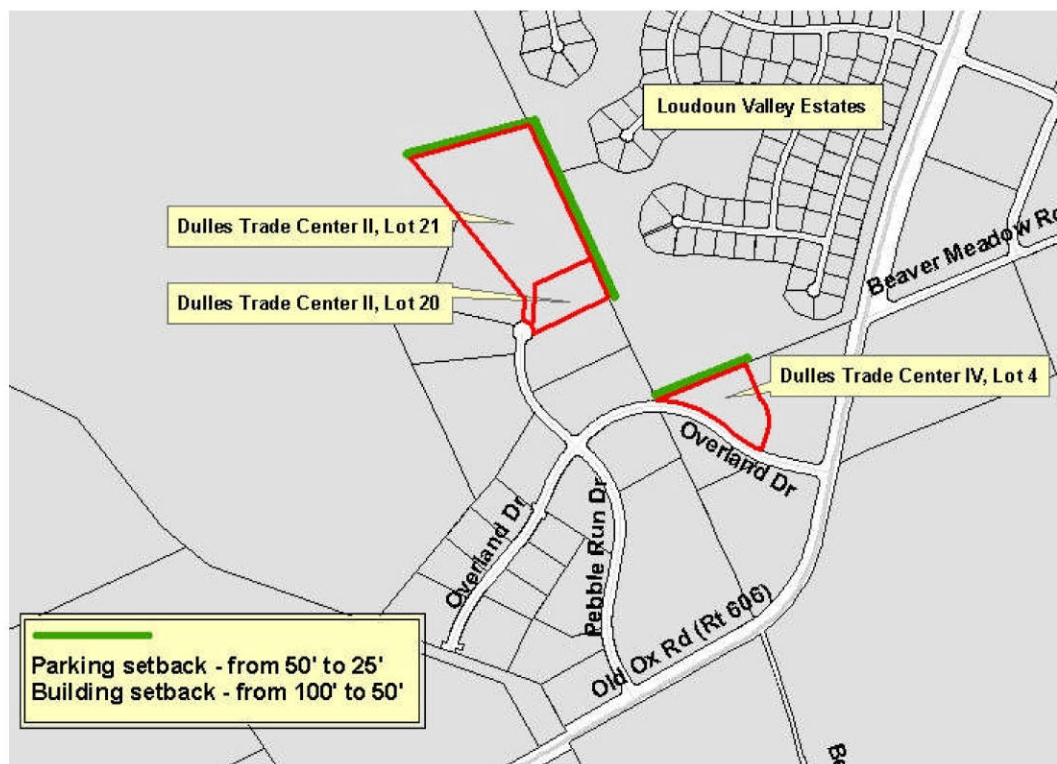
A. CONTEXT

The Applicants request to modify zoning regulations applicable to the approved Concept Development Plan for property being developed pursuant to ZMAP-1986-0012, Broad Run Industrial Park. As shown in the table below, the Applicants propose to locate parking as close as 25 feet to the boundary of Loudoun Valley Estates and to locate buildings, outdoor storage, loading, and refuse collection areas as close as 50 feet to the boundary of Loudoun Valley Estates.

Site Element to be Located No Closer to a Residential Boundary	Required Yard per Ordinance	Requested Required Yard
buildings, outdoor storage, areas for collection of refuse, or loading areas	100'	50'
parking	50'	25'

The requested modifications apply specifically to the property boundaries that abut Loudoun Valley Estates open space areas, as follows and as illustrated in the graphic below:

- North and east property boundaries of Dulles Trade Center II, Lot 21
- East property boundary of Dulles Trade Center II, Lot 20
- North property boundary of Dulles Trade Center IV, Lot 4



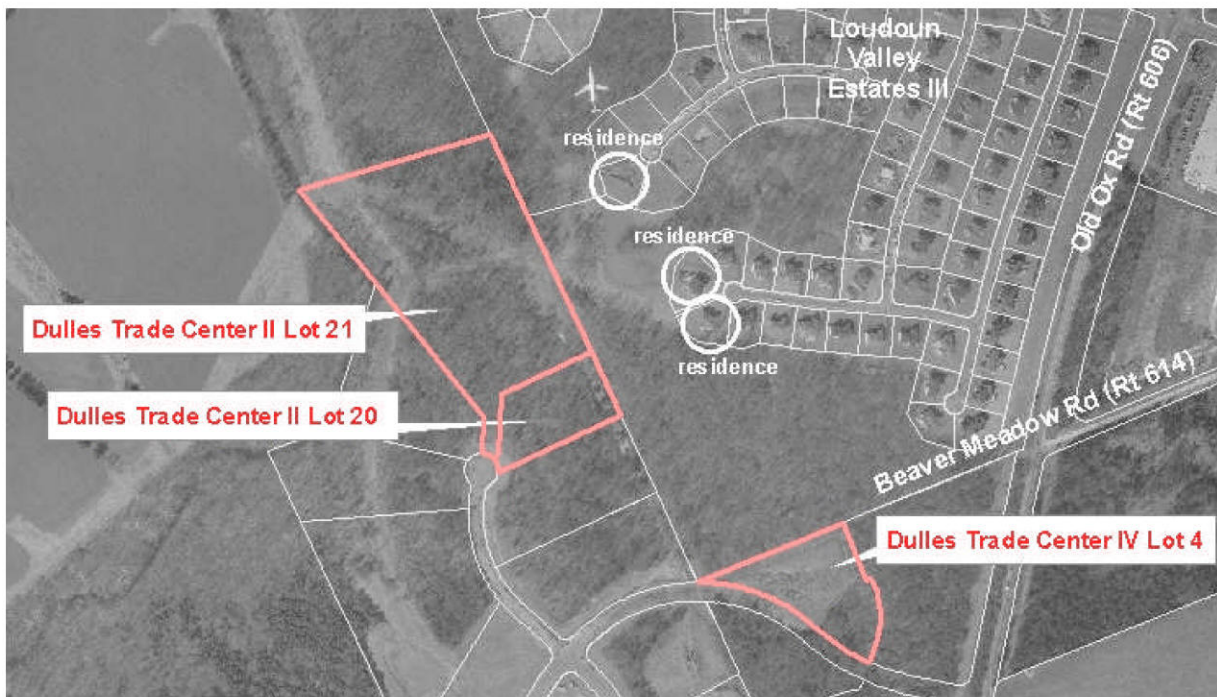
Dulles Trade Center II and IV are part of a larger mixed-use industrial park that includes Dulles Trade Center I, a 57-acre PD-GI industrial park located to the east of the subject properties and on the north side of Beaver Meadow Road (Route 614), and Dulles Trade Center III, a 346-acre PD-GI property located west of the subject properties on the south side of Creighton Road. Dulles Trade Center II is subject to the proffers and Concept Development Plan approved with ZMAP-1986-0012, Broad Run Industrial Park, which authorized the rezoning of 110 acres from R-1 (Single Family Residential) to PD-GI (Planned Development – General Industrial).

Dulles Trade Center IV contains 28.7 acres, 20.7 acres of which were rezoned from PD-GI to PD-CCCC (Planned Development – Commercial Center) with ZMAP-2003-0001 and 8 acres of which are zoned PD-GI (Planned Development – General Industrial) and that are subject to the proffers and Concept Development Plan approved with ZMAP-1986-0012, Broad Run Industrial Park.

The Board of Supervisors (BOS) approved similar zoning modification requests for the lot located immediately east of Dulles Trade Center IV, Lot 4. In conjunction with ZMAP-2003-0001, which rezoned approximately 20.7 acres of Dulles Trade Center IV from PD-GI to PCCCCC, the BOS approved SPEX-2003-0026, permitting parking to be located within 60 feet rather than 100 feet of the residential uses to the north and permitting buildings and loading and refuse collection areas to be located within 40 feet rather than 50 feet of the residential uses to the north. Dulles Trade Center IV proffered a Type 4 buffer yard along the northern property line to mitigate the impacts of the reduced setbacks.

Loudoun Valley Estates II residential subdivision is located north and west of Dulles Trade Center II, Lot 21 and at full build-out will consist of a maximum of 2,861 residential units, including up to 745 single-family detached units, up to 1,121 single-family attached units, and up to 995 multi-family units. The subdivision also contains the Broad Run Stream Valley Park and Nature Trail, 131 acres along Broad Run dedicated to the County for use as a passive public park on the west side of Broad Run and for park, recreation, and/or other public uses on the east side of Broad Run.

Loudoun Valley Estates III residential subdivision is located north of Dulles Trade Center IV and east of Dulles Trade Center II and consists of 266 single-family residences on 266.48 acres with a gross density of 1 lot per 40,000 square feet. The residences in Loudoun Valley Estates III are separated from the subject property by a 58-acre open space and a 35.6-acre open space. The open spaces consist primarily of deciduous trees, as well as a Loudoun Valley Estates stormwater management pond, and minor floodplain. The nearest residences within Loudoun Valley Estates III are located approximately 330 feet to the east, beyond the wooded open space areas, as shown on the graphic below.



B. SUMMARY OF OUTSTANDING ISSUES

There are no issues. The Applicants are in agreement with the conditions of approval. The conditions have not yet been reviewed as to legal form by the County Attorney.

C. OVERALL ANALYSIS

COMPREHENSIVE PLAN

The subject property is governed by the policies of the Revised General Plan (Suburban Policy Area (Dulles Community)) and the Dulles North Area Management Plan, which recommend general industrial uses at a floor area ratio of between 0.30 and 0.40.

The subject properties are located within the Route 606 corridor. The Route 606 corridor is one of the premier industrial corridors in Loudoun County, and Plan policies clearly intend for industrial and employment supportive uses to be developed along the corridor, such as "manufacturing, bus/trucking repair facilities, warehouse and assembly and airport serving uses." The County envisions that land areas designated for General Industrial uses will "accommodate the continued operation and expansion of major industrial uses in the County and provide for a degree of protection of industrial uses from other land uses" (Revised General Plan, p. 6-30). The County seeks to protect this land area recognizing that "General Industrial uses are predominantly labor-intensive and commercial uses. Their outdoor storage requirements, noise levels and emissions present difficult design issues and make them incompatible with residential development" (Revised General Plan, p. 6-30, 6-31).

The County requires that all industrial uses provide sufficient buffering from nearby residential areas to ensure that the effects of noise, vibration, odor or other emissions do not exceed specified levels (Revised General Plan, Policy 2, p. 6-31). The subject property is separated from Loudoun Valley Estates subdivision by the following three buffer areas:

1. Broad Run Stream Valley Park (part of Loudoun Valley Estates II) – This 131 acre open space area is located north of Dulles Trade Center II, Lot 21. With ZMAP-2002-0011, which authorized the rezoning of Loudoun Valley Estates II from R-1 (Single Family Residential) and PD-GI (Planned Development-General Industry) to PD-H4 (Planned Development-Housing 4), Loudoun Valley Estates II proffered the dedication of 131 acres of open farm fields, wooded vegetation, and extensive floodplain to Loudoun County for the Broad Run Stream Valley Park. The Applicants have provided the attached proffer statement dated March 9, 2004 that details this dedication and a commitment to tree preservation within this open space area.
2. Loudoun Valley Estates III, Section II HOA Open Space Area – This 58 acre open space area is located east of Dulles Trade Center II, Lot 21 and consists of wooded vegetation, floodplain, and a stormwater management pond. The applicants have provided the attached deed of open space easement dated May 6, 2004 that indicates that this open space area is perpetual and that the removal, destruction and cutting of trees, shrubs, or other vegetation are prohibited except for reasonable maintenance.
3. Loudoun Valley Estates III, Section I HOA Open Space Area - This 35.6 acre open space area is located north of Dulles Trade Center IV, Lot 4. The applicants have provided the attached deed of open space easement dated October 16, 2003 that indicates that this

open space area is perpetual and that the removal, destruction and cutting of trees, shrubs, or other vegetation are prohibited except for reasonable maintenance.

These three open space areas provide a minimum depth of 300 feet of trees, natural vegetation, and flood plain between the subject property and the residential lots in Loudoun Valley Estates. The Applicants have also provided photographs of these open space areas to illustrate that the areas are wooded. However, existing tree cover consists primarily of deciduous trees, so the Applicants propose to supplement the existing deciduous tree cover by planting a staggered row of evergreen trees, at a ratio of 6 trees per



Staff photo, existing 300-foot buffer.

100 linear feet, along the perimeter of the property boundaries that abut Loudoun Valley Estates, those same property boundaries that are subject to the setback modification requests. These supplemental evergreen plantings will help ensure that potential views of future industrial uses are screened year around from the existing residential uses in Loudoun Valley Estates.

Given that a minimum of three hundred (300) feet of wooded vegetation and floodplain separate the future industrial uses from the adjacent residential uses and that the applicant will supplement the existing deciduous tree cover with evergreen trees, staff supports the requested modifications.

ZONING

The subject property is zoned PD-GI (Planned Development – General Industry) and is subject to the Revised 1993 Zoning Ordinance. The property is also located within the AI (Airport Impact) Overlay District, outside of but within one (1) mile of the Ldn 60 aircraft noise contour, and partially within the FOD (Floodplain Overlay District). Surrounding parcels to the north of the subject property are zoned PD-H4 (Planned Development – Housing 4) and PD-GI (Planned Development – General Industry).

D. Zoning Ordinance Modifications

The Applicants request to modify regulations applicable to the approved Concept Development Plan associated with ZMAP-1986-0012, Broad Run Industrial Park. The modifications apply to the property lines that border Loudoun Valley Estates II and II, specifically the north and east

property lines of Dulles Trade Center II, Lot 21, the east property line of Dulles Trade Center II, Lot 20, and the north property line of Dulles Trade Center IV, Lot 4.

Pursuant to the Revised 1993 Zoning Ordinance, Section 6-1511. Approved Changes to Concept Development Plan After Approval. (B) *Special Exception Change*. “The following change or changes to an approved development plan may be made by special exception approved by the Board of Supervisors . . .” (4) “Modification to the regulations applicable in accordance with Section 6-1504,” the applicants request the following two zoning ordinance modifications:

1. Building Setbacks Adjacent to Existing or Zoned Residential Districts

Section 4-605 Lot Requirements. (B) Yards. (2) *Adjacent to Agricultural and Residential Districts and Land Bays Allowing Residential Uses*. – “No building, outdoor storage, areas for collection of refuse, or loading area shall be permitted closer than one hundred (100) feet to any agricultural district, any existing or zoned residential district, or land bay allowing residential uses.”

The applicants request a modification of the yard requirements to allow buildings, outdoor storage, areas for collection of refuse and loading areas to be located as close as 50 feet to adjacent residential uses in Loudoun Valley Estates.

2. Parking Setbacks Adjacent to Residential Uses Existing or Zoned Residential Districts

Section 4-605 Lot Requirements. (B) Yards. (2) *Adjacent to Agricultural and Residential Districts and Land Bays Allowing Residential Uses*. “No parking shall be permitted closer than fifty (50) feet to any such districts and uses [any agricultural district, any existing or zoned residential district, or land bay allowing residential uses].”

The applicants request a modification of the yard requirements to allow parking to be located as close as 25 feet to the residential uses in Loudoun Valley Estates.

Applicant Justification

The Applicants’ full justification is provided in the attached statement of justification. The three major justifications are summarized below:

1. Adjacent Open Space Areas - The residential lots located in Loudoun Valley Estates are separated from the subject properties by a substantial wooded open space buffer and wooded stream valley park. These buffers provide a minimum of 300 feet of separation between the industrial and residential uses.
2. Approval of Similar Modification on Adjacent Parcel - The Board of Supervisors (BOS) approved similar zoning modification requests for the lot located immediately east of Dulles Trade Center IV, Lot 4. In conjunction with ZMAP-2003-0001, which rezoned approximately 20.7 acres from PD-GI to PCCCCC, the BOS approved SPEX-2003-0026, permitting

parking to be located within 60 feet rather than 100 feet of the residential uses to the north and loading and refuse collection areas to be located within 40 feet rather than 50 feet of the residential uses to the north.

Staff Analysis

The Applicants have provided a plat that provides a comparison of existing and proposed setbacks, as well as depicting the evergreen buffer proposed along the property lines between the subject properties and Loudoun Valley Estates open space areas. The applicants have also provided photographs of the adjacent Loudoun Valley Estates open space areas to illustrate that these areas are wooded and deeds of easements to verify that conservation of the trees within the open space areas is perpetual.

Ordinance Section 5-1409(E) allows for administrative waivers of buffer requirements for parcels adjacent to natural areas of at least 300 feet, therefore legislative action is not required to eliminate buffer and screening requirements adjacent to Loudoun Valley Estates open space areas. However, the Applicant proposes an evergreen buffer to supplement the existing deciduous trees. Staff finds that the requested zoning modifications exceed the public purpose of the existing regulations applicable to PD-GI zoning districts by providing a buffer in addition to the existing natural area of at least 300 feet.

ZMAP-2003-0001, Dulles Trade Center IV, approved a 60-foot building setback and a 40-foot parking setback for the PD-CC-CC zoned portion of Dulles Trade Center IV. Although this is inconsistent with the current request for a 50-foot building setback and a 25-foot parking setback, staff finds that since over 300 feet of open space will exist between industrial uses on Dulles Trade Center IV, Lot 4 and residential uses in Loudoun Valley Estates, and since the modifications apply to the rear lot lines, the inconsistency should have a minimal impact.

Staff supports the request for zoning modifications. Based on the existence of 300 foot deep wooded open space areas and documentation that these areas will remain wooded open space in perpetuity, staff recommends approval of the two requested zoning modifications with the conditions found in this staff report.

E. ZONING ORDINANCE CRITERIA FOR APPROVAL

Section 6-1504 of the Revised 1993 Zoning Ordinance states, *"The regulations of the PD district sought shall apply after rezoning is approved unless the Board of Supervisors approves a modification to the zoning, subdivision or other requirements that would otherwise apply. Modification to an approved Concept Development Plan may be approved as set forth in Section 6-1511."* Section 6-1504 sets forth the following criteria for approval:

Standard *"No modification shall be approved unless the Board of Supervisors finds that such modification to the regulations will achieve an innovative design, improve upon the existing regulations, or otherwise exceed the public purpose of the existing regulation."*

- Analysis The Applicants' proposal to supplement the existing natural buffer by planting 6 staggered evergreen trees per 100 linear feet along the property lines adjacent to residential open space areas exceeds the public purpose of the existing regulation. Zoning Ordinance Section 5-1409(E) allows for administrative waivers of buffer requirements for parcels adjacent to natural areas that are at least 300 feet. A natural area of more than 300 feet exists between the subject property and the adjacent residential property, therefore legislative action is not required to eliminate the buffer and screening requirements. However, the Applicant proposes to supplement the existing 300 feet of deciduous trees with a staggered row of evergreens at a ratio of 6 trees per 100 linear feet.
- Standard *"No modification will be granted for the primary purpose of achieving the maximum density on a site."*
- Analysis The intent of the modifications is not to achieve the maximum density on the sites, but to gain three (3) additional acres to develop industrial uses on lots that are irregular in shape, relatively shallow in comparison to surrounding lots, and/or restricted by the flood plain.
- Standard *"An application for modification shall include materials demonstrating how the modification will be used in the design of the project."*
- Analysis The applicant has provided a plan that illustrates the existing and proposed setbacks and the proposed evergreen buffer along the property lines between the subject properties and Loudoun Valley Estates open space areas. The plan also depicts the site design of the adjacent Dulles Trade Center IV PD-CC-CC zoned site after receiving approval of similar building and parking zoning modifications.

VII. ATTACHMENTS (Attachments are available electronically or may be viewed in the Building & Development Department or the Department of Planning)	PAGE NUMBER
1. Review Agency Comments	
a. Planning, Comprehensive Planning	A-1
b. Building and Development, Zoning Administration	A-5
2. Disclosure of Real Parties in Interest	A-7
3. Applicant's Statement of Justification	A-18
4. Applicant's Statement of Justification Attachments	
a. Loudoun Valley Estates III Deeds of Open Space Easement	A-23
b. Loudoun Valley Estates II ZMAP-2002-0011 Proffer Statement (excerpt – 3 pages)	A-26
5. Applicant's Response to Referral Comments	A-44
6. Plat	Attached